

## 11. MOTIONS ON NOTICE

### Notice

- 11.1 In order for a Motion on Notice to be placed on the agenda the following information must be delivered by post or electronic means to the Monitoring Officer by the originator of the Motion:-

(a) written notice of the motion to be received, not later than 9.00am on the twelfth calendar day before the date of the meeting; and

(b) details of any relevant supporting information and statistics, to be received not later than 9.00am on the ninth calendar day before the date of the meeting;

- 11.2 The relevant supporting information will be circulated with the agenda.

- 11.3 In the event that the relevant supporting information is not supplied in accordance with the time limit at 11.1 (b) then the Notice of Motion will not be placed on the agenda and will stand deferred pending receipt of the relevant supporting information whereupon it will be placed on the agenda of next available ordinary meeting of the Council.

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- 11.2 No member shall be a signatory to more than one Notice of Motion on each agenda. Each Notice of Motion must clearly state the name of the Member submitting it.

- 11.3 The Monitoring Officer will maintain a record of all Notices received.

### Motion set out in agenda

- 11.4 Motions will be placed on the agenda and dealt with in the order in which they were received, provided that where several Notices of Motion are considered by the Monitoring Officer to address a similar subject, they shall be grouped together.

### Scope

- 11.5 Motions must be about matters for which the Council has a responsibility or which affect the District of Bromsgrove. A motion shall not be regarded as affecting the District of Bromsgrove

- (a) if it is one which relates to a national issue and would have no more effect on the District of Bromsgrove than it would on any other area; or

- (b) if it relates to actions taken by or statements made by a body or individual connected with the District of Bromsgrove, but those actions or statements are not specifically related to the District.

### Rejection of Notices of Motion

11.6 The Monitoring Officer may reject a Notice of Motion if:

- (a) the scope of the motion exceeds that set out in Rule 11.5 above
- (b) it is defamatory, frivolous or offensive,
- (c) it is substantially the same as one submitted within the previous six months;
- (d) it requests the Council to make a decision which is outside the powers or responsibility of the full Council;
- (e) it is not of a strategic nature;
- (f) it does not relate to functions undertaken by the Council

### Deferment of Motions

11.7 If the motion is about a matter which, in the opinion of the Chairman on taking the advice of the Chief Executive and the Monitoring Officer, should be dealt with in conjunction with a report by an officer, it shall automatically stand deferred until such time as that report can be presented to the Council, provided that no motion shall stand deferred for more than one ordinary meeting of the Council. The Council will be informed on the agenda of the contents of any motions standing deferred under this paragraph.

### Referral of Motions

11.8 The Monitoring Officer will in consultation with the member submitting the Notice of Motion, the Leader, the Chief Executive and the Chairman, determine whether the motion will be placed on the agenda for Council or whether it might more appropriately be referred to the Cabinet or another Committee for determination, or to an officer for further action. Normally referral of a Notice of Motion will only take place in advance of a meeting of the Council. However, if circumstances warranting such a referral arise during the course of a meeting when a Notice of Motion is being debated the Chairman may at his/her discretion allow an amendment or alteration to be proposed that the Notice of Motion be referred to the Cabinet or another committee for determination, or to an officer for further action.

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- 11.9 If a Notice of Motion is so referred to Cabinet or to a committee, it shall be placed on the agenda for the next available meeting of that Cabinet or that committee
- 11.10 If a Notice of Motion is referred to an officer, the Monitoring Officer will inform the Council on the agenda of the contents of any Notice of Motion referred to the Cabinet or a committee or an officer and, where appropriate, of the timescales within which the officer will respond to the author of the Notice of Motion.
- 11.11 The Monitoring Officer will inform the member who submitted the Notice of Motion what action has been taken pursuant to Rules 11.6 to 11.10 above.

#### **Time Limit for Motions on Notice**

- 11.12 At any meeting the total time allowed for consideration of all motions submitted under this Rule shall not, without the consent of the Council, exceed one hour. At the expiry of one hour (or such additional time agreed by the Council) the Chairman shall request the member speaking to conclude immediately and shall put to the vote, without further discussion, all questions necessary to dispose of the motion then under debate and shall put the motion to the vote provided that:
- (a) if the speech to be concluded is a speech proposing a motion, the Chairman shall allow the motion to be formally seconded (without comment);
  - (b) if the speech to be concluded is a speech moving an amendment, the Chairman shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his/her right of reply; and
  - (c) otherwise, the Chairman shall allow the mover of the motion to exercise his/her right of reply which shall not exceed 5 minutes.

#### **Motions not considered within the Time Limit**

- 11.13 If by reason of Rule 11.12 a motion is not moved either by a member who gave the Notice or by some other member on his/her behalf, it shall be either:
- (a) treated as withdrawn and shall not be moved without fresh notice. Any Notice which is deemed to be withdrawn under this paragraph shall not be subject to the six months time restriction contained in Rule 11.6 above; or
  - (b) with the consent of the Council postponed to the next ordinary meeting of the Council.

## 12. PROCEDURAL MOTIONS WITHOUT NOTICE

The following procedural motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put to the vote (provided that the mover of the motion has not spoken in the debate),
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

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## 13. MOTIONS - RULES OF DEBATE

### No speeches until motion seconded

- 13.1 Until the mover has moved a proposal and explained the purpose of it and the proposal has been seconded no other member may speak on the motion.

### Right to require motion or amendment in writing

- 13.2 Unless Notice of the Motion has already been given, the Chairman may require any procedural motion or any amendment to be written down and handed to him/her before it is discussed.

### 13.3 Secunder's speech

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

### 13.4 Content and length of speeches

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- (b) Unless otherwise provided by these Rules, no speech may exceed 5 minutes without the consent of the Chairman and a majority of those present.

### 13.5 When a member may speak again

A member who has spoken on a motion (including the mover and seconder) may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (c) in exercise of a right of reply;
- (d) on a point of order; and
- (e) by way of personal explanation.

### 13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration in accordance with 11.8 above;
  - (ii) to leave out words;
  - (iii) to leave out words and add others; or
  - (iv) to add words;so long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the amended motion takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### 13.7 Alteration of motion

- (a) An alteration to a motion must be either:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration in accordance with 11.8 above;
  - (ii) to leave out words;
  - (iii) to leave out words and add others;
  - (iv) to add words;so long as the effect of (ii) to (iv) is not to negate the motion.
- (b) A motion may be altered before it has been moved by the Member who submitted the motion (or another Member on his/her behalf) if the majority of those present agree.
- (c) Any motion may be altered after it has been moved and seconded by the mover of the motion if both the seconder and the majority of those present agree.

### 13.8 Withdrawal of motion

A member may withdraw a motion which he/she has moved. No member may speak on the motion after it has been withdrawn.

### 13.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the amendment has the right of reply. The mover of the original motion has the right of reply at the close of the debate on the amendment, but neither may otherwise speak on it.

### 13.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put to the vote;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.

### 13.11 Closure Motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put to the vote;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put to the vote is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed

and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 13.12 **Point of order**

A member may raise a point of order at any time. The Chairman will hear him/her immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final and will not be open to discussion.

#### 13.13 **Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member at the same meeting which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final and will not be open to discussion.